

ORIGINAL

BEFORE THE

**Federal Communications Commission**

WASHINGTON, D. C. 20554

ORIGINAL  
FILE

In the Matter of )  
 )  
AMENDMENT OF THE COMMISSION'S )  
RULES TO PERMIT FM CHANNELS AND )  
CLASS MODIFICATIONS BY APPLICATION )

MM DOCKET NO. 92-159

RECEIVED

To: The Commission

OCT - 5 1992

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**COMMENTS OF RADIO SOUTH, INC.**

Radio South, Inc., by its attorneys, hereby submits the following comments in the above-captioned proceeding:

Radio South applauds the Commission's initiative in revising its procedures so as to facilitate the rapid upgrade of the facilities of FM broadcast station licensees. Radio South appreciates the Commission's recognition that such upgrades are in the public interest. The need to upgrade is most critical in those situations where a Class A FM radio station, such as Radio South's FM station WFFN in Cordova, Alabama, urgently needs additional power in order to serve listeners in small towns and rural areas which depend on stations like WFFN for local news and information.

The former procedure required stations seeking additional power to go through a notice and comment rulemaking before even being able to apply for a permit for the power increase. That system provided excessive opportunity for the filing of counter-proposals which would block the proposed upgrade, in the osten-

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sible interest of putting a new channel in some tiny community unable to support a radio station of its own. The result has been literally hundreds of new allocations in villages across the country, mostly represented by construction permits for unbuilt stations, or, where the stations have been built, dark facilities. Thus, the pages of the current edition of *Broadcasting Yearbook* are replete with entries that report that the subject station is not on the air, and no target date is known.

In connection with the adoption of a more realistic and expeditious procedure, therefore, the Commission should also reorder its priorities for deciding between the comparative merits of a proposal for a first local "transmission" service and an upgrade of an existing station. The present preference, in all cases, for the allotment of a new station to some country cross-roads as its "first local service" is ridiculous. The nation is covered with plethora of local reception services and transmission services. What it needs is for those existing services to be strengthened so that they can do a better job of serving their entire service areas.

The Commission is only inviting trouble when it stymies such an upgrade by allotting a new FM frequency to a hamlet as small as 438 persons. Relying on the present allotment priorities, the Allocations Branch recently did so in MM Docket 90-476 (Cordova, Holly Pond, Warrior, Eva, Fairview and Falkville, Alabama), DA 92-1040, released August 26, 1992. There, without any evidence that the 438 inhabitants of Eva, Alabama were underserved by

existing stations in nearby communities, or that Eva could support a station of its own, the Allocations Branch allotted a new channel to Eva. That had the effect of blocking Radio South's requested substitution of Channel 254C3 for WFFN's present Channel 237A in Cordova.<sup>1</sup>

The concept that a village of 438 persons needs a full-time, full-service FM station all to itself is simply out of touch with reality. A place that small, even if viewed as constituting a "community," simply does not have enough going on to require the attention of a full-service radio station. Nor could it possibly generate the advertising revenues that would be needed to support the operation of such a station.

There are many individual apartment buildings in large cities across the United States which have more than 438 inhabitants. Yet no one is seriously suggesting that each such apartment building needs its own radio station with its own public affairs broadcasting and public service announcements.

In light of the foregoing considerations, and the host of stations which are already trying to serve every corner of the United States, there no longer is any need to set up, as the top priority, the offering of a first local "transmission" service to places with fewer than 1,000 inhabitants. Rather, the upgrade of existing service, through the mechanism proposed in the instant

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1 Radio South has filed a Petition for Reconsideration of that allotment and a Motion to Stay the filing window pending action on the Petition.

rulemaking, should be promoted as the highest priority except in those rare instances where an area is actually devoid of a first or second full-time reception service.

The new procedures should also be applied so as to cover non-adjacent channel swaps such as that proposed by Radio South in MM Docket 90-476. The rationale properly adopted in the Notice in this case to skip the opportunity for the filing of counterproposals to adjacent channel upgrades applies as well to non-adjacent proposals. Modern computer techniques allow anyone who desires to have a channel allotted to any area to find the available spectrum for that purpose. He or she need not wait until that spectrum is proposed for use in a non-adjacent channel swap.

The Notice, at paragraph 12, requested comments on the Commission's proposal to make the new procedures available only in the case of applications filed after the effective date of the rules. That approach would, however, deny the benefits of the changed procedures to those licensees which had already filed rulemaking proposals in an effort to upgrade their facilities as soon as possible. Radio South therefore urges the Commission to make the new procedures applicable to all FM channel upgrade proceedings, both those which are already pending as well as ones which will be submitted in the future.

For the foregoing reasons, the proposal as set forth in the Notice should be modified as discussed above, and adopted.

Respectfully submitted,

RADIO SOUTH, INC.

By: 

Barry D. Wood  
JONES, WALDO, HOLBROOK  
& McDONOUGH, P.C.  
2300 M Street, N.W.  
Washington, D.C. 20037  
(202) 296-5950

Its Attorneys

October 5, 1992

CERTIFICATE OF SERVICE

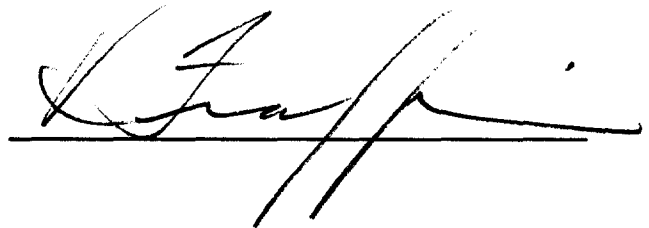
I, V. Frappier, hereby certify that I have, this 5th day of October, 1992, caused to be sent by U.S. first-class mail, postage-prepaid, a true and correct copy of the foregoing "Comments of Radio South, Inc." to the following:

Rick Jones, Partner  
Warrior Communications  
Route 8, Box 696  
Jasper, Alabama 35501

M. Scott Johnson, Esquire  
Gardner, Carton & Douglas  
Suite 750 North  
1001 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
Counsel for Ross Broadcasting  
Company, Inc.

Timothy K. Brady, Esquire  
7113 Peach Street  
P. O. Box 986  
Brentwood, Tennessee 37027-0986  
Counsel for ROJO, Inc.

Mr. Roger Myers  
President, Good Earth  
Broadcasting, Inc.  
P. O. Box 968  
Cullman, Alabama 35056

A handwritten signature, likely of V. Frappier, is written over a horizontal line. The signature is stylized and cursive.